IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1905.

533.

PEOPLE OF THE STATE OF ILLINOIS EX REL. GEORGE W. FELTS, APPELLANTS,

vs.

E. J. MURPHY, WARDEN OF THE STATE PENITENTIARY AT JOLIET, ILLINOIS, APPELLEE.

Appeal from the Circuit Court of the United States, Northern District of Illinois, Eastern Division.

Additional Brief and Argument for Appellee.

Habeas corpus is not a proper writ to correct errors or irregularities, even though a constitutional right is involved, if the court had jurisdiction to try the case.

Ex parte Harding, 120 U. S., 782.
Kohl vs Lehlback, 160 U. S., 293.
Church on Habeas Corpus, 2d ed., sec. 364, and cases cited.

Law in its regular course of administration through courts of justice is due process, and when secured by the

law of the State the constitutional requirement is satisfied. Due process is secured by laws operating on all alike.

Maxwell vs. Dow, 176 U. S., 581.
Bergemann vs. Backer, 157 U. S., 655.

Provision has been made by statute in Illinois to try the question of mental capacity of one charged with crime.

Chap. 38, Hurd's Statute of Ill. (1897 ed.), par. 282, 284, 285, and 286.

The case of State vs. William Harris, 53 N. C., 136, and cases cited therein, all cited by relator, determined the practice obtained by common law to try the question of the mental condition of one charged with crime, and if insane or of insufficient intellect to *comprehend the course of the proceedings* on the trial, such person could not be found guilty of crime, but was held and dealt with as an insane person. They go no further. In the case at bar no such case is presented. There is no claim that relator was mentally incapable of being tried, but that his hearing was impaired only. But if it be conceded for argument that the trial court should have provided means of interpreting to relator questions to and answers from jurors and witnesses on the trial, such omission at best would have been but error or irregularity, which could be corrected by writ of error and not by writ of habeas corpus.

HARRY B. NORTH,
State Attorney in and for Winnebago County and State of Illinois.